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PATENT  
730083-2000.2

IFW AF  
3763

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Stelzer, *et al.*  
Serial No. : 09/943,346  
For : MINIMALLY INVASIVE SURGERY DEVICE  
Filed : August 29, 2001  
Examiner : Catherine Serke  
Art Unit : 3763

745 Fifth Avenue, New York, NY 10151

**EXPEDITED PROCEDURE**  
**RESPONSE AFTER FINAL ACTION**  
**UNDER 37 C.F.R. 1.116**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on July 21, 2004.

**Anne-Marie C. Yvon, Reg. No. 52,390**

(Name of Applicant, Assignee or Registered Representative)

*Anne-Marie C. Yvon*  
Signature

July 21, 2004

Date of Signature

**NOTICE OF APPEAL**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the final Office Action dated January 21, 2004, rejecting claims 14-25. A check in the amount of \$165.00 (for a small entity) is enclosed in payment of the appeal fee required by 35 U.S.C. §41(a)(6) and 37 C.F.R. §1.17(e). Please charge any additional payment or credit any overpayment to Deposit Account No. 50-0320.

07/27/2004 HALI11 00000064 09943346  
01 FC:2401 165.00 OP

This Notice is being filed in triplicate, together with a Petition for a three-month extension of time.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

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